



# NOAA FISHERIES

## **NMFS Webinar: High Seas Driftnet Fishing Moratorium Protection Act – Amendments and Information Collection**

**Presenter:** *Kristin Rusello, Foreign Specialist, Office of International Affairs and Seafood Inspection*

**April 22, 2016, 2:00 pm CT**

### **NWX-DOC CONFERENCING**

**Coordinator:** Welcome and thank you for standing by. At this time all participants are in a listen-only mode. During the question and answer session, please press Star 1 if you would like to ask a question.

Today's conference is being recorded. If you have any objections, you may disconnect at this time.

I would now like to turn the meeting over to (Kerry). Ma'am, you may begin.

**(Kerry Turner):** Thanks and welcome, everyone. Thank you for joining us. My name is (Kerry Turner). I am a communications specialist here at NOAA Fisheries Office of International Affairs and Seafood Inspection. With me today presenting is Kristin Rusello, Foreign Affairs Specialist at NOAA Fisheries Office of International Affairs and Seafood Inspection.

Today we will be discussing the High Seas Driftnet Moratorium Protection Act, information collection requirements, and recent amendments. Kristin is going to be providing us an overview of the Act and discussing NOAA Fisheries' recent notice asking the public to submit information regarding nations whose vessels are engaged in IUU fishing, bycatch, and/or fishing



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activities in waters beyond any national jurisdiction that target or incidentally catch sharks.

But before she does that, a few quick housekeeping notes. As the operator mentioned, this webinar is public. It's being recorded and transcribed. The transcript will be posted in a few days later on our Web page at [www.nmfs.NOAA.gov/ia](http://www.nmfs.NOAA.gov/ia). That was [www.nmfs.NOAA.gov/ia](http://www.nmfs.NOAA.gov/ia).

If for any reason you get disconnected from today's webinar, you can also visit that Web page to view today's PowerPoint presentation. At the end of Kristin's presentation, we will open up your lines for a robust question and answer period. This will be your opportunity to ask questions from our staff here, provide comments, using the conference line on the issues discussed today. So with that, I will turn it over to Kristin. Kristin?

Kristin Rusello: Good afternoon everyone. As (Kerry) mentioned, today we're going to be covering the purpose of the High Seas Driftnet Fishing Moratorium Protection Act, the components of the biennial reports to Congress, recent amendments to the Act, information requirements for identification under the Act, and the deadline for information submission by the public that could lead to an identification in the next biennial report to Congress.

The Moratorium Protection Act contains provisions from amendments in 2006 which directed NOAA to strengthen its leadership in international fisheries' management and enforcement, with a particular focus on illegal, unreported, and unregulated fishing, bycatch of protected living marine resources, and later through the Shark Conservation Action of 2010, which focused on direct and incidental catch of sharks -- especially finning in areas beyond national jurisdiction.



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The Moratorium Protection Act contains provisions which address international overfishing; combat illegal, unreported, or unregulated fishing; reduce bycatch of protected living marine resources; improve shark conservation; and provide international cooperation and assistance.

Regarding the protected living marine resources, there is a list of the species that are part of that on the Web site which (Kerry) mentioned at the beginning of the call.

The purpose of the Act is also to strengthen regional fishery management organizations to take actions to improve the management and conservation of species under their jurisdiction through measures such as stronger species conservation measures, the adoption of vessel list for vessels which engage in illegal fishing, and catch documentation schemes, just as a couple of examples.

Finally, the Moratorium Protection Act on the international components also require the biennial report to Congress which identifies nations for illegal, unreported, or unregulated -- or IUU -- fishing; bycatch of protected living marine resources; and/or shark catch on the high seas. And we'll go into the specific requirements for each of these provisions in a moment.

The general process that the Moratorium Protection Act follows is that identification happens in a biennial report to Congress which triggers a two-year consultation period. During that two years, NOAA Fisheries works with the nation to encourage several different things depending on what the country was identified for.



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If it was for IUU fishing, we're looking for appropriate corrective action for the activities that the nation was identified for. If the identification is for bycatch or sharks, we're looking for the nation to adopt a regulatory program to end or reduce the bycatch of the PLMR or looking to address the conservation of sharks that are comparable to applicable regulations to those of the United States.

Finally, in a subsequent report to Congress, certification decisions are issued for the countries. A positive certification indicates that appropriate action has been taken by the nation and it is therefore finished under the process. A negative certification may result in U.S. port access denial for fishing vessels of that nation and import prohibitions on certain fish or fish products associated with the fishery for which the nation was identified.

The report to Congress that we mentioned is produced every two years. It includes the identification and certifications that we just spoke about. It also include the status of international living marine resources and reports on the efforts of the regional fishery management organizations to end IUU fishing, to protect protected living marine resources, and on the adoption of shark conservation measures.

The next report will be published in early 2017 and we are working with the six nations that were identified for IUU fishing in the 2015 Report, currently in that consultation process that we just discussed.

That 2015 Report is shown here on this page and we're working with those nations to encourage them to address the actions for which they were initially identified. The certification decisions for those six nations will be published in this 2017 Report.



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The recent amendment that came through that we discussed at the beginning of the presentation came about through the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015, which amended the Moratorium Protection Act. The amendments allow consideration of three years of data for IUU fishing and bycatch identifications.

The amendments also provide for the identification of entities as opposed to strictly just nations. And finally, the amendments authorize trade sanctions solely for nations that receive a negative certification.

If you look at the diagram at the bottom of this slide, it shows that for the 2015 Report, for example, related to IUU fishing data we were only able to look at fishing activities that took place in 2013 and 2014 for that 2015 Report. Whereas for the 2017 Report and moving forward, we're able to look at 2015 - excuse me, 2014, 2015, and 2016 data for those IUU fishing and bycatch identifications.

We'll talk about the shark identifications momentarily.

I'm now going to go into the specifics of what we're looking for for the identifications for each of the three provisions under which we're able to identify nations, starting with IUU fishing identifications.

The nations are able to be identified for IUU fishing under the Moratorium Protection Act for four different main reasons. The first being violations of RFMO conservation and management measures. And this is regardless of whether or not the nation is a member of that RFMO.



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If the nation is not a member, we would be looking for fishing activities that undermine the conservation of resources that are managed under that particular regional fishery management organization or agreement.

The RFMOs that we work under are those to which the United States is a party and that we're able to identify countries for violations of RFMO conservation and management measures. These RFMOs are the Commission for the Conservation of Antarctic Marine Living Resources, or CCAMLR; the Inter-American Tropical Tuna Commission -- IATTC; the International Commission for the Conservation of Atlantic Tunas, or ICCAT; the Northwest Atlantic Fisheries Organization -- NAFO; and the Western and Central Pacific Fisheries Commission -- WCPFC.

Violations of RFMO conservation and management measures that may lead to an identification under the Moratorium Protection Act may be individual vessel violations or they may be more national level violations, such as data reporting issues or not adhering to catch limits or quotas, for example.

The next reason that a nation may be identified for IUU fishing is for overfishing of fish stocks shared by the United States that has an adverse impact on those stocks, where there are no applicable international conservation or management measures, or where there is no applicable international fishery management organization or agreement.

The third reason a nation may be identified for IUU fishing is bottom fishing that impacts vulnerable marine ecosystems in areas beyond national jurisdiction. And those vulnerable marine ecosystems can include things such as sea mounts, hydrothermal vents, cold water corals, and other applicable ecosystems. And again, this would be an area where there is no applicable



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conservation and management measures or areas with no applicable international fishery management organization or agreement.

Last, nations may be identified under the IUU fishing provision for fishing activities by foreign flagged vessels in U.S. waters without authorization to fish by the United States.

We're again looking for evidence of these types of activities in the years - excuse me, in the three years preceding the 2017 Report. So again, that would be activities that took place in 2014, 2015, and 2016.

The data sources that we look at most frequently for not only IUU fishing but also bycatch and sharks include RFMO compliance reports, U.S. Coast Guard reports, non-governmental organization reports, input from the public, and foreign government reports.

The next three slides we wanted to show you the types of documentation specific to IUU fishing that is most helpful for our process in case you or your organization are out on the water or see something that you think could be applicable for an identification under this process.

So this slide is trying to show for the vessel identification purposes that it's most helpful if you present information from multiple camera angles that shows the location of the vessel, including GPS coordinates if possible, and a date and time for when the activity took place.

In terms of evidence of IUU fishing showing the catch volume and composition issues, we're looking for video and/or pictures, photos of gear



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haulback, again, with the locations, dates, and times documented. Also including, of course, the vessel name and flag.

And then lastly, for IUU fishing activity that's related to transshipment and port call issues, we're again looking for video or pictures of transshipment or port calls where there might be a violation taking place that shows the locations, dates, and times of those activities. Again, showing the vessel name and flag if available.

In addition to this information, it's helpful for us if you have an indication of the particular conservation and management measure within a particular RFMO that might be being violated. That just helps us to get a head start on reviewing that information.

We have a team of expert enforcement analysts within NOAA Fisheries that review that and corroborate all information that we receive throughout this process to ensure its accuracy and validity.

Next we'll move on to the bycatch identification provision. Nations are able to be identified for bycatch of protected living marine resources that are in waters beyond national jurisdiction or beyond the U.S. exclusive economic zone and that's a stock shared with the United States; if the RFMO failed to implement effective measures to end or reduce the bycatch, if it's applicable; and the nation has not adopted a regulatory program to end or reduce the bycatch of the protective living marine resource that is comparable to that of the United States. And again, this is taking into account different conditions.

Due to the recent amendments that we received, we're now able to look at data for the three years preceding the report. So again, for bycatch activities





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that could lead to an identification in this process, we're looking for information from 2014, 2015, or 2016.

Nations would be identified for IUU fishing if the bycatch of a protected living marine resource violates an RFMO conservation and management measure to which the United States is a party. So if you're not sure, we would still welcome the information and, of course, would look into the particulars further.

The last provision that a nation is able to be identified for under this process is for shark catch on the high seas. And nations may be identified for shark catch if fishing vessels of a nation have been engaged in fishing, again, in waters beyond any national jurisdiction that target or incidentally catch sharks if the nation itself has not adopted a regulatory program for the conservation of sharks that's comparable to that of the United States, taking into account different conditions.

Now, the shark provision of the Moratorium Protection Act is only looking for data collection in the year preceding the report. So for this 2017 Report that's coming out, we're looking for fishing activities related to shark catch on the high seas for 2016 only.

Hopefully you all have seen the Federal Register notice that we put out, I believe, at the end of March that requests information that may be used to identify nations under the Moratorium Protection Act for the three provisions that we just went through. The request for information is open until May 31, 2016 and you may submit that information to our email address, which is [iuu.plmr.sharks@NOAA.gov](mailto:iuu.plmr.sharks@NOAA.gov).



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That brings me to the end of the presentation in terms of covering the amendments and the information that we were looking for through our public solicitation. This is my contact information. Please feel free to contact me directly with any questions that you might have. And you can reach our specific Web pages on our Web site by going to [www.nmfs.NOAA.gov/ia](http://www.nmfs.NOAA.gov/ia). That takes us to the Office of International Affairs and Seafood Inspection Web page.

From there you can look at the toolbar across the top and choose IUU fishing. And in the dropdown you'll see an MSRA link. Thank you very much for your time today.

(Kerry Turner): Thanks Kristin. At this time we're going to open up for any of your questions, any of your comments on the issues discussed in the presentation. Operator, can you give us the instructions on how we can ask the question?

Coordinator: Thank you. If you'd like to ask a question, please press Star 1. Please unmute your phone and record your name when prompted. It is required to introduce your question. Once again, that's Star 1 if you'd like to make a question.

Kristin Rusello: I think I might go back to my desk and have a bunch of email questions.

Coordinator: Once again, that's Star 1 if you have a question or comment. And there are no - one moment. We do have a question. Your name was not recorded. Please state your name with your question.

Josh Madeira: Hi there. Josh Madeira, Monterey Bay Aquarium. I'm wondering about the definition - currently right now in the High Seas Driftnet Moratorium Protection Act, NOAA has the authority to define through regulation what



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constitutes IUU. However, HR-774 expanded the scope of what could be considered IUU and now the definition is broader.

So I'm wondering about whether there's any intention to amend the definition that's currently in regulation to be consistent with a new, broader definition of the document HR-774.

Kristin Rusello: So Josh, I'm going to turn it over to Stacey Nathanson, our prime attorney for Moratorium Protection Act.

Stacey Nathanson: Hi Josh. This is Stacey. We are currently looking at the amendments in HR-774. As you know, it was a - the bill encompasses more than just amendments to the High Seas Driftnet Fishing Moratorium Protection Act. And we will do rulemaking as necessary in the future.

So stay tuned and as we see fit we will make those regulatory amendments.

Josh Madeira: Okay. And so is there any schedule for promulgating regulations to implement those aspects of the bill?

(John Hendershedt): No. Josh, this is (John Hendershedt). We're still evaluating the extent to which additional rulemaking is required, and we have not yet established a work plan or timeframe for that rulemaking.

Josh Madeira: Okay. Thank you.

Coordinator: Once again, that's Star 1 if you have a question or comment. Ma'am, there are no questions at this time.



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(Kerry Turner): Okay. Thank you. Again, if you do have any comments or questions, you can submit them through the conference line here. Kristin's information is also up on the screen and you can contact her as well.

Thank you so much for joining us today. Thank you, Kristin for this presentation. And I hope you all have a wonderful day.

Coordinator: Thank you. That concludes today's conference. You may disconnect at this time.

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